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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/025,862	02/19/1998	MASAHIDE TANAKA	06205.0010	1086

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EXAMINER

VU, NGOC YEN T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/20/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

*Copy*

# Office Action Summary

Application No.  
09/025,862

Applicant(s)  
Masahide TANAKA et al.

Examiner  
Ngoc-Yen VU

Art Unit  
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Feb 19, 1998

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-22 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☒ Claim(s) 22 is/are allowed.

6) ☒ Claim(s) 1-10, 16-19, and 21 is/are rejected.

7) ☒ Claim(s) 11-15 and 20 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements

## Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Feb 19, 1998 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

20) ☐ Other: \_\_\_\_\_

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***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement, filed 02/19/1998, has been placed in the application file, and the information referred to therein has been considered as to the merits.

***Drawings***

3. The drawings are objected to because block 11 in Figure 2 should be read as "Transmitting/Receiving exchanger". Correction is required.

Figure 2 is objected to as failing to comply with 37 CFR 1.84(p)(5) because it includes the following reference sign(s) not mentioned in the description: 36. Correction is required.

***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

5. Claims 20 and 21 are objected to because of the following informalities:

Claim 20: line 6, change "the still image" to --a still image; line 12, change "the audio signal" to --the electronic audio signal--.

Claim 21: line 9, change "the voice signal" to --the electronic audio signal--.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 103***

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-10, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US #6,009,336) in view of Fellegara et al. (US #5,845,166).

Regarding claims 1-10, 16-19 and 21, Harris teaches a digital still camera capable of telecommunication comprising a device for converting an optical image into a digital electronic signal indicative of a still image, a receiver for receiving an electromagnetic signal generated in accordance with a wireless telephone system, and a display device for displaying a still image.

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The claims differ from Harris in that they require a modifying unit for modifying the received electronic magnetic signal into a digital electronic signal indicative of a still image.

In the same field of endeavor, Fellegara teaches a digital imaging system having a modifying unit (camera operator interface 74) which allows digitally images to be manipulated (col. 10 lines 30+; col. 14 lines 16+). It is noted that Fellegara also teaches that the digital imaging system is communicated with a host computer via a wireless communication link (col. 7 lines 10+). In light of the teaching from Fellegara, it would have been obvious to one of ordinary skill in the art to add a modifying unit to the communication device taught in Harris so as to allow digital images to be manipulated as desired by the users.

***Allowable Subject Matter***

9. Claim 22 is allowed.
10. Claim 20 would be allowable if rewritten or amended to overcome the objection(s), set forth in paragraph 5 in this Office action.
11. Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. **Any response to this office action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,  
Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon - Fri from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-0377.

NYV  
12/14/2001

  
*Ngoc-Yen Vu*  
Patent Examiner  
Group Art Unit 2612